

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DANIEL L. SELF, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:00CV1903 TIA
)	
EQUILON ENTERPRISES, LLC, et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on Plaintiffs' Notice Regarding Defendants' Search and Production of E-Mails (Docket #381) and Defendants' Report on the Parties' Negotiations of a Search Protocol for the Search of Current Employee Email Boxes (Docket #382).

In the Notice and the Report, the parties report to the Court that they have agreed to a list of search terms and syntax attached to their pleadings as Exhibit A, the list of current employee mailboxes attached to their pleadings as Exhibit B, and certain search terms attached to their pleadings as Exhibit C. As areas of disagreement, the parties list the back-up tapes and deleted e-mails; the time period for the e-mail search; former employees' names as search terms; additional search terms; syntax restrictions; and mailboxes for the e-mail search.

After reviewing the parties' pleadings regarding the search protocol and considering the arguments presented at the June 2, 2006, hearing, the Court orders as follows:

IT IS HEREBY ORDERED that Defendants shall bear the costs of producing the e-mails in an accessible format of current employees' mailboxes. With respect to the search of the back-up tapes, the Court will consider a cost-shifting based on the number of e-mails produced providing any direct evidence supporting Plaintiffs' price discrimination claims.

IT IS FURTHER ORDERED that the e-mail boxes of Cathy Mullis and Eunice Stigall shall be included in the search.

IT IS FURTHER ORDERED that the relevant time period to be used in the e-mail searches will be October 10, 1996, through December, 2002, including the date of last modification to the present. Any e-mails or documents created as of December, 2002, but modified at some later date shall be discoverable, but any e-mails or documents created after December, 2002, will be excluded from the e-mail search.

IT IS FURTHER ORDERED that Defendants shall run an e-mail search including the list of search terms and syntax attached to their pleadings as Exhibit A, the list of current employee mailboxes attached to their pleadings as Exhibit B and the mailboxes of Cathy Mullis and Eunice Stigall, and the search terms attached to their pleadings as Exhibit C for the relevant time period set forth herein and produce the e-mails responses no later than September 1, 2006. The parties shall report to the Court the results of the e-mail search no later than September 5, 2006.

IT IS FURTHER ORDERED that the parties shall submit to the Court proposed search syntax to be used with the disagreed e-mail search terms set forth in Exhibit D no later than August 30, 2006. In addition, the parties shall submit to the Court a one-sentence definition and/or statement of relevance for each e-mail search term and search syntax contained in Exhibit D as well as the full word if abbreviated or the word for the acronym.

IT IS FURTHER ORDERED that the parties shall submit to the Court no later than August 30, 2006, a one-sentence definition and a statement of relevance for each e-mail term and search syntax contained in Exhibit C as well as the full word if abbreviated or the full name for the acronym.

IT IS FURTHER ORDERED that the parties shall submit to the Court no later than August 30, 2006, a list of former employees including their job title, dates of employment, location of employment, and job responsibilities for the Court's consideration.

IT IS FURTHER ORDERED that Defendants produce a clean organizational chart in response to Plaintiffs' discovery request no later than August 30, 2006.

IT IS FURTHER ORDERED that Defendants submit for in camera inspection the search parameters, including the search terms, syntax, mailboxes, and timer period covered, used in the HRN and Becher litigation no later than August 30, 2006.

Dated this 16th day of August, 2006.

/s/ Terry L. Adelman

UNITED STATES MAGISTRATE JUDGE